

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nicholas W Wigfall

Docket No. 7:01-CR-127-3BO

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas W. Wigfall, who, upon an earlier plea of guilty to Conspiracy to Commit Carjacking, in violation of 18 U.S.C. § 371; Carjacking and Aiding and abetting, in violation of 18 U.S.C. §§ 2119 and 2; Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting, in violation of 18 U.S.C. § 924(c)(1)(A); Possession of a Firearm by a Convicted Felon and Aiding and Abetting, in violation of 18 U.S.C. §§ 922 (g)(1) and 2; Kidnapping and Aiding and Abetting, in violation of 18 U.S.C. §§1201 (a)(2) and 2; Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 2111 and 2; and Attempted Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 2111 and 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 15, 2002, to the custody of the Bureau of Prisons for a term of 176 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Nicholas W. Wigfall was released from custody on April 25, 2014, at which time the term of supervised release commenced. On August 26, 2014, a Violation Report was filed reporting the defendant's use of marijuana and his arrest for Driving While Impaired. Additionally, on March 2, 2017, the court was notified of the defendant's use of cocaine and marijuana.

On March 27, 2018, as a result of the defendant's arrest for Driving While Impaired, Reckless Driving, and Possession of an Open Container in Wake County, North Carolina, the defendant was returned to substance abuse treatment. He was also enrolled in the Remote Alcohol Monitoring Program for 60 days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Wigfall has performed well in treatment and in the Remote Alcohol Monitoring Program. In a recent staffing with his treatment provider, the defendant requested to continue with the monitoring program as he believes this has made a significant impact in his struggle with alcohol. He signed a Waiver of Hearing agreeing to the proposed extension of this condition of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 60 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Julie Wise Rosa
Julie Wise Rosa
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8675
Executed On: June 18, 2018

ORDER OF THE COURT

Considered and ordered this 19 day of June, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge